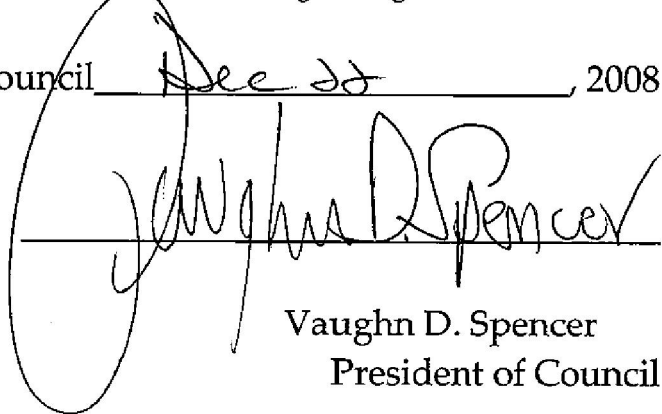


RESOLUTION NO. 130 2008

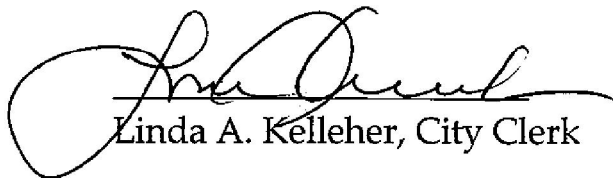
THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:

Denying the appeal of the Certificate of Appropriateness by the City of Reading Public Works Department, as attached in the findings of fact, for the construction of a storage shed inside the City Park Playground and remanding this issue back to the Historical Architectural Review Board (HARB) at their January 20, 2009 meeting. City Council directs the City of Reading Public Works Department to work with HARB to find a reasonable compromise. Should the City of Reading Public Works Department fail to attend the January 20, 2009 HARB meeting, City Council orders the demolition of the existing storage structure.

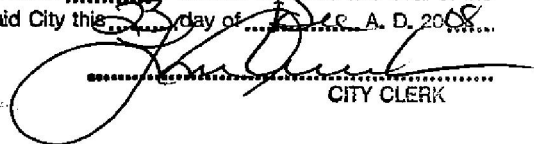
Adopted by Council Dec 22, 2008


Vaughn D. Spencer
President of Council

Attest:


Linda A. Kelleher, City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Resolution passed by the Council of the City of Reading, on the 22 day of Dec A. D. 2008. Witness my hand and seal of the said City this 23 day of Dec A. D. 2008.


CITY CLERK

Appeal of Historic Architectural Review Board Certificate of Appropriateness

IN THE MATTER OF	§	BEFORE THE
	§	
CITY OF READING	§	CITY OF READING
PUBLIC WORKS	§	
DEPARTMENT	§	CITY COUNCIL
	§	
	§	

FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER, AND AGREED RESOLUTION

On Tuesday, November 25, 2008 the City of Reading City Council (Council) met to hear testimony about the City of Reading Public Works Department's (Respondent) appeal of the denial of the certificate of appropriateness for the construction of a storage structure in the City Park playground by the Historic Architectural Review Board (HARB).

Findings of Fact

1. The Historic Architectural Review Board (HARB) is an under the City of Reading Codified Ordinances Chapter 4 Part 1 – Historic Districts. The HARB is a board of 7 duly qualified members.
2. The respondent reviewed a conceptual design plan for the City Park project on January 16, 2007. The conceptual plan for the playground area proposed an open gazebo, not a closed storage structure.
3. HARB, at their January 16, 2007 meeting approved a certificate of appropriateness for Phase I of the rehabilitation of the City Park playground project for the installation of new playground equipment and safety surface tile as described and proposed on the site plan drawings by Cairone and Kaupp, Inc.
4. The respondent failed to seek the required certificate of appropriateness for the second phase of the rehabilitation project and installed the storage structure without HARB review or approval.
5. The Historic Preservation Specialist brought the illegal storage structure to HARB's attention at their August 19, 2008 meeting. HARB requested that Chairman Peter Sutliff draft a letter to the respondent notifying them of the need to seek a certificate of appropriateness for Phase II of the City Park playground rehabilitation project at the September 16, 2008 HARB meeting.
6. The respondent failed to respond to the letter or appear at the meeting.

7. The Historic Preservation Specialist presented the information she had gleaned from conversations with Recreation Superintendent Mike Zuber. She stated that the Department of Public Works had decided that a storage structure was needed as there are structures at other playgrounds for storing items for playground leaders. A storage structure near the existing comfort station in City Park, across the street from the playground, was not feasible as when a playground leader would cross the street, they could not risk the liability of children following them.
8. HARB denied the certificate of appropriateness for the storage structure at their September 16, 2008 meeting.
9. The respondent requested an appeal hearing before City Council the week of November 24, 2008 and was provided with the hearing date of November 25, 2008.
10. City Council took testimony from the respondent and the Historic Preservation Specialist at the hearing held on November 25, 2008
11. The respondent stated that their failure to seek the required certificate of appropriateness for Phase II of the rehabilitation project was an oversight.
12. The Historic Preservation Specialist stated that HARB was not pleased with the design of the storage structure as it was not in any way similar to the design shown on the conceptual plan.
13. Historic Preservation Specialist stated that the walls of the structure are constantly being hit with graffiti. The paint used to cover the graffiti does not match the paint on the remaining parts of the structure. She also noted that HARB disagrees with the use of security bars installed in the structure's windows and that the structure is improperly positioned on the concrete slab.
14. The respondent agreed that the design is different than that shown in the conceptual plan. He stated that the design was altered when the need for a storage building was identified. He also stated that the contractor made the decision to include windows on the structure.
15. Peter Sutliff, Chair of HARB, testified that Phase II of the project was reviewed by HARB but was not approved. He stated that the design of the existing storage structure was not approved by HARB and that the design of the existing structure is completely different from the model appearing in the original conceptual plans.
16. Mr. Sutliff noted HARB's willingness to work out a mutually acceptable compromise with the respondent.
17. The following were entered into the record as Exhibits marked sequentially:
 1. The agenda and its attachments
 2. Photographs of the conceptual plan
 3. Photographs of the existing structure.

Conclusions of Law

The Historic Preservation Part of the Codified Ordinances of the City of Reading, Pennsylvania, regulates and restricts the construction, reconstruction, alteration, restoration, demolition or razing of any building, structure, site or object within a designated historic district, in whole or in part, and prescribes certain procedures relating to the issuance of permits for such properties. Until a certificate of appropriateness is issued no construction shall be undertaken, and any construction which has occurred prior to the issuance of the permit shall, if requested by the Board or City Council, be removed. The storage structure in the City Park playground was completed without the required permits. The Codified Ordinances require the Historic Preservation Specialist, the Historical Architectural Review Board and City Council to uphold the standards issued by the U.S. Secretary of the Interior.

Order and Agreed Resolution

The City of Reading City Council hereby denies the respondent's appeal of the HARB Certificate of Appropriateness and remands the issue to HARB at their January 20, 2009 meeting. City Council requests that HARB and the respondent work to find a mutually agreeable compromise. Should the respondent fail to appear at the January 20, 2009 meeting, City Council orders the demolition of the existing storage structure.

Right to Appeal

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.